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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,624	09/27/2001	Balakrishna Raghavendra Iyer	SVL920010077US1/2307P	4803

29141 7590 04/13/2005

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EXAMINER

AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/966,624	Applicant(s) IYER ET AL.	
	Examiner Wayne Amsbury	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS 1-43 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments filed 2/10/05 have been fully considered but they are not persuasive.

Applicant fails to appreciate the breadth of the claims. The arguments are based in large part on the supposed failure of the prior art of record to teach: *controlling access to the database based on an agreed-upon schedule and price*. The phrase *controlling access* means no more than providing access that is limited in some manner by some means. The specification provides no explicit further limitation for this phrase. A particular well known form of such control is the common set of provisions for the search of a database from a browser, which is taught by the prior art of record. [See Brown COL 7 lines 23-26.]

Applicant also appears to read unwarranted limitations into the term *database*. A database in the computer art is a file of records that can be accessed for searching, sorting, and the like. Applicant appears to assume that the items available in a pay-per-view system such as that described by Brown as an embodiment of his system are either not records or not organized appropriately. This would make it impractical for a pay-per-view system to efficiently manage a great many movies or videos and to schedule them at multiple times. If Applicant has evidence of this nature it should be

presented to counter the *prima facie* use of the term *database* as applied to the contents offered by pay-per-view, which otherwise requires no specific teaching for one of ordinary skill in the art.

Applicant reads limitations into the *walled garden* of Brown that are not warranted. At lines 5-6 of the response, page 16, Applicant states: *Furthermore, where Brown does mention databases, Brown clearly does not describe allowing a user to access such databases.* To the contrary, at COL 2 lines 52-67 the *walled garden* of Brown is stated to provide access to remote application databases and services. As noted above, pay-per-view is a service that provides access to a database.

At the bottom of page 15 of the response, it is stated: *However, nowhere in column 3, lines 1-11, does Brown state that database commands are invoked. Instead, Brown states at column 3, lines 1-7, that a JAVASCRIPT program can invoke one or more of the functions.... by the site.* A path that includes a JAVASCRIPT program provides access to the database as noted in that citation. The term *database* in the art presumes a database management system (DBMS) that in turn provides access by means of commands unless otherwise qualified. This appears to be assumed without further comment by the specification of this application.

The rejections of the previous action are hereby maintained, and are included below in the interest of compact prosecution.

3. Claims 1-26 and 28-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al (Brown), US 6,732,179, 4 May 2004.

Brown is directed to the controlled access to database services including pay-per-view [COL 1 lines 20-47].

As to **claims 36-39**, pay-per-view (PPV) by its nature controls access to a database based at an agreed-upon schedule and price. This is detailed in some particular at COL 18, **Pay-Per-View Information**. The client (user) executes (HTML-rendering) software supporting standard web browsing [COL 2 lines 28-43]. While it is clear that this is done without downloading **database** software, the process is specified in terms of various APIs that provide access to such software rather than the database software itself. See for instance, COL 6 lines 27 and after and COL 9 and its surround. Clearly this utilizes databases. The schedule and price are agreed-upon criteria; one is time-based, the other is cost-based.

As to **claim 40**, the APIs provide for instantiating the UI elements [COL 2 lines 38-43].

As to **claim 41**, A JAVASCRIPT program sent in a message to the client invokes a function of the API [COL 3 lines 1-11], which includes access to electronic content and remote application databases [COL 2 lines 52-67].

As to **claim 42**, the ACL of the site specifies which STB API functions may be called from the site, thus combining (invoked) database commands and control functions [COL 3 lines 1-11].

As to **claim 1**, as noted above, database commands are invoked, not downloaded.

The elements of **claims 2-10 and 43** are rejected in the analysis above and these claims are rejected on that basis.

As to **claim 11**, Brown teaches the use of SQL and other forms of database connectivity [COL 9 lines 45-65]. As to **claim 12**, a preferred environment is the WINDOWS CE operating system, which inherently provides a window at some level for data entry.

The elements of **claims 13** are rejected in the analysis above and this claim is rejected on that basis.

As to **claims 14-15**, Brown addresses the use of a password and its authenticity at COL 7 lines 22-40.

The elements of **claims 16-26 and 28-35** are rejected in the analysis above and these claims are rejected on that basis.

4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (Brown), US 6,732,179, 4 May 2004.

As to **claim 27**, Brown does not explicitly address the use of standard layers such as the presentation and application layers, nor database backup. **Official Notice** is taken that these elements of the practice of distributed computing were well known at the time of the invention and applied because of their efficiency.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 **FIRST WEEK**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA



WAYNE AMSBURY
PRIMARY PATENT EXAMINER